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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

**Plaintiff,**

Case No.: 2:25-CR-00024-RLP

V.

## Motion for Detention

JORGE SANCHEZ VERA (a/k/a “Jorge Vera Sanchez,” “Jorge Sanchez,” “George Sanchez”)

**Defendant.**

The United States moves for pretrial detention of the above-named

Defendant, pursuant to 18 U.S.C. § 3142(e) and (f).

1. Eligibility of Case. This case is eligible for a detention order because the case involves:

- A serious risk the Defendant will flee; and
  - A serious risk the Defendant will obstruct or attempt to obstruct  
e.

20 A detention hearing is appropriate under 18 U.S.C. § 3142(f) if the  
21 Government presents “some evidence” of one of the enumerated factors. While  
Motion for Detention- 1

1 opinions analyzing § 3142(f)(2) have generally applied a preponderance of the  
2 evidence standard, *see, e.g.*, *United States v. Fanyo-Patchou*, 426 F. Supp. 3d 779  
3 (W.D. Wash. 2019), neither Ninth Circuit precedent nor the statute compel this  
4 result. Holding the Government to a preponderance of the evidence standard to  
5 demonstrate both a “serious risk of flight” under § 3142(f)(2) and whether “no  
6 condition or combination of conditions will reasonably assure the appearance of  
7 the person as required” under § 3142(e) collapses the analysis into one – if the  
8 Government can demonstrate that a defendant poses a “serious risk of flight” by a  
9 preponderance of the evidence, the Government necessarily has demonstrated that  
10 no conditions will reasonably assure the defendant’s appearance by the same  
11 standard. As such an outcome would render the distinction between § 3142(f)(2)  
12 and § 3142(e) meaningless, it follows that a lower evidentiary standard should  
13 apply to the threshold question of whether a detention hearing is appropriate under  
14 § 3142(f)(2).

15 In *United States v. Santos-Flores*, 794 F.3d 1088 (9th Cir. 2015), the court  
16 found the following factors, among others not pertinent here, relevant to determine  
17 whether the defendant posed a risk of flight: “his multiple unlawful entries into the  
18 United States,” “his use and possession of fraudulent identity documents,” and “the  
19 severity of the potential punishment and the weight of the evidence against him.”

20 *See id.* at 1092. A subsequent case – *United States v. Diaz-Hernandez*, 943 F.3d  
21 1196 (9th Cir. 2019) – boiled *Santos-Flores* down to “[w]e noted that defendant  
Motion for Detention- 2

1 had multiple unlawful reentries, was facing a significant prison sentence, and that  
2 the weight of the evidence was heavy against him." *See Diaz-Hernandez*, 943 F.3d  
3 at 1199 (citing *Santos-Flores*, 794 F.3d at 1092). The Government intends to  
4 proffer that the Defendant has three prior removals from the United States,  
5 implying that his current presence in the United States represents that the  
6 Defendant has unlawfully entered or attempted to enter the United States on at  
7 least four occasions. The Government also highlights that the Defendant has one  
8 prior conviction for violating 8 U.S.C. § 1326 in the Southern District of California  
9 in Case No. 3:22CR02447 and recent prior felony convictions involving the use  
10 and possession of firearms in the state of California. It also appears that the  
11 Defendant violated the terms of his supervised release in in the federal case by his  
12 unlawful presence in the United States on or about January 2, 2025, and for having  
13 been convicted of two counts of Harassment (Threaten to Kill)/Bodily Injury on or  
14 about February 26, 2025 in Chelan County Superior Court, WA in Case No. 25-1-  
15 00002-04.

16       The Government intends to proffer that the current charge carries a  
17 maximum penalty of ten years imprisonment which, in light of the strength of the  
18 evidence and the Defendant's heightened sentencing guideline range as a recidivist  
19 violator of § 1326, as well as the potential penalty for the supervised release  
20 violation to be run consecutively to any sentence in the new matter, increases the  
21 incentive for the Defendant to flee if released.

1 As the above factors are relevant to whether the Defendant poses a voluntary  
2 flight risk, *see Santos-Flores*, 794 F.3d at 1092, the Government requests that the  
3 Court hold a detention hearing under 18 U.S.C. § 3142(f)(2)(A). *See United States*  
4 *v. Salgado*, No. 20-53JJM, 2020 WL 4747931, at \*5 (D.R.I. Aug. 17, 2020). Also  
5 pertinent to the serious risk of flight is SANCHEZ VERA’s returning to the United  
6 States so quickly after his prior removals in defiance of the order and reinstatement  
7 of the order of the immigration judge. The Defendant’s quick returns after his  
8 removals, his commission of multiple felony offenses while present unlawfully in  
9 the United States, as well as unlawfully reentering the United States after being  
10 convicted for felony unlawful reentry in 2020 together provide “further evidence  
11 establishing that there is a serious risk that SANCHEZ VERA will not comply with  
12 court-ordered requirements to appear.” *See id.*; *see also United States v. Aleman-*  
13 *Duarte*, No. 3:19-CR-149-PLR-DCP, 2020 WL 236870, at \*4 (E.D. Tenn. Jan. 15,  
14 2020) (noting that “the Court finds the Defendant’s return to this country, despite  
15 his prior removal, indicates a disregard for the immigration court’s removal order  
16 and suggests that he would not abide by the requirement that he appear for  
17 proceedings in this Court”); *United States v. Miramontes-Maldonado*, No. 1:19-  
18 CR-00060-BLW, 2019 WL 1560875, at \*2 n.1 (D. Id. April 9, 2019) (noting the  
19 court’s typical conclusion that “defendants facing charges related to illegal  
20 immigration pose an inherent flight risk because of the likelihood that they will be  
21 deported following the conclusion of the criminal proceeding” as “there was every

1 incentive for a defendant to avoid prosecution by fleeing the jurisdiction and either  
2 returning to their home country or reverting to a life-style of living beneath the  
3 radar as an illegal alien”). Further, as the above factors are relevant to whether the  
4 Defendant poses a risk of obstructing justice through his potential non-appearance  
5 at future hearings, the Government requests that the Court hold a detention hearing  
6 under § 3142(f)(2)(B).

7       2.     Reason for Detention. The Court should detain Defendant because  
8 there is no condition or combination of conditions which will reasonably assure:

- The Defendant's appearance as required; or
  - The safety of any other person and the community.

11       3.     Time for Detention Hearing. The United States requests the Court  
12 conduct the detention hearing:

- At the first appearance, or
  - After a continuance of three days.

Dated: March 24, 2025.

Richard R. Barker  
Acting United States Attorney

s/ Lisa C. Cartier Giroux  
Lisa C. Cartier Giroux  
Assistant United States Attorney

1                   **CERTIFICATE OF SERVICE**

2                   I hereby certify that on March 24, 2025, I electronically filed the foregoing  
3 with the Clerk of the Court using the CM/ECF System, which in turn automatically  
4 generates a Notice of Electronic Filing (NEF) to all parties in the case who are  
5 registered users of the CM/ECF system.

6  
7                   s/ Lisa C. Cartier Giroux  
8                   Lisa C. Cartier Giroux  
9                   Assistant United States Attorney  
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